

**FILED**

FEB 20 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Counsel for Defendant GARCIA-SALGADO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,	)	No. CR 09-70127 MEJ
		)	
11	Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
		)	ORDER TO CONTINUE
12	v.	)	ARRAIGNMENT/PRELIMINARY
		)	HEARING DATE
13	FRANCISCO GARCIA-SALGADO,	)	
		)	
14	Defendant.	)	
		)	

On February 12, 2009, an arraignment or preliminary hearing in the above-captioned case was scheduled before this Court for Tuesday, February 24, 2009 at 9:30 am. At that time, the defendant waived his right under Federal Rule of Criminal Procedure 5.1(c) to have his preliminary hearing within 10 days of his initial appearance. Given the extensive discovery in this case, as well as both counsel's schedules, the parties now jointly request that the arraignment or preliminary hearing date be continued to March 10, 2009 at 9:30am. The defendant, through counsel, again waives his right under Federal Rule of Criminal Procedure 5.1(c) to have his preliminary hearing within 10 days of his initial appearance.

The parties also request that the Court exclude the period of time from the date of this Order through March 10, 2009 from any time limits applicable under 18 U.S.C. § 3161. The parties represent that granting the continuance provides the reasonable time necessary for

1 continuity and preparation of defense counsel, particularly given the extensive amount of  
2 discovery. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served  
3 by granting such a continuance outweigh the best interests of the public and the defendant in a  
4 speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 IT IS SO STIPULATED.

6  
7 February 20, 2009  
8 DATED

\_\_\_\_\_/s\_\_\_\_\_  
KEVIN BARRY  
Assistant United States Attorney

9  
10 February 20, 2009  
11 DATED

\_\_\_\_\_/s\_\_\_\_\_  
JODI LINKER  
Assistant Federal Public Defender

12  
13 Based on the stipulation of the parties, and for good cause shown, the next appearance in  
14 the above-captioned matter is continued to March 10, 2009 at 9:30 am before the duty Magistrate  
15 Judge and the time until then is excluded under the Speedy Trial Act.

16 IT IS SO ORDERED.

17  
18 2/20/09  
19 DATED

\_\_\_\_\_  
MARIA ELENA JAMES  
United States Magistrate Judge  
NANDOR VADAS